

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DEVIN MORGAN,  
3984 Brandychase Way,  
Apt. 13  
Cincinnati, OH 45245

Plaintiff,

vs.

DEBT RECOVERY SOLUTIONS, LLC,  
a foreign limited liability company  
c/o Corporation Service Company.  
50 West Broad Street, Suite 1330  
Columbus, OH 43215

Defendant.

: Case No.:  
:  
: **COMPLAINT**  
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: **Jury Demand Endorsed Hereon.**

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**NOW COMES THE PLAINTIFF, DEVIN MORGAN, BY AND THROUGH  
COUNSEL, RICHARD P. GABELMAN, and for his Complaint against the Defendant,  
pleads as follows:**

**JURISDICTION**

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

**VENUE**

2. Venue is proper in the Southern District of Ohio as the Defendant conducts business in the entire State of Ohio.

### **PARTIES**

3. Devin Morgan is an individual residing in Cincinnati, Ohio in Hamilton County.
4. Debt Recovery Solutions, LLC is a foreign limited liability company that conducts business in the State of Ohio.

### **GENERAL ALLEGATIONS**

5. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Employer of Cincinnati Ltd. in the amount of \$896.00 (“the alleged Debt”).
6. Plaintiff disputes the alleged Debt.
7. On March 2, 2020, Plaintiff obtained his Trans Union and Equifax credit disclosures and noticed Defendant reporting the alleged Debt.
8. On or about March 5, 2020, Plaintiff sent Defendant a letter disputing the alleged Debt.
9. On May 2, 2020, Plaintiff obtained his Trans Union and Equifax credit disclosures, which showed that Defendant last reported the tradeline reflected by the Alleged Debt to in Equifax on April 27, 2020 and failed or refused to flag the account reflected by the alleged Debt as disputed, in violation of the FDCPA.
10. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.

11. Defendant had more than ample time to instruct Experian, Equifax, and Trans Union to flag its trade line as Disputed.
12. Defendant's inaction to have its trade line on Plaintiff's credit reports flagged as disputed was either negligent or willful.
13. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. His credit report continues to be damaged due to the Defendant's failure to properly report the associated tradelines.

#### **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Plaintiff reincorporates the preceding allegations by reference.
15. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
16. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.
17. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
18. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692e(8) of the FDCPA by communicating to any person credit

information which is known to be false or which should be known to be false, including failure to report a disputed debt as disputed.

19.To date, and a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to suffer from a degraded credit report and credit score.

20.Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against Defendant for Actual Damages; Statutory Damages; Statutory costs and attorney's fees.

**JURY DEMAND**

Plaintiff hereby demands a trial by Jury.

Dated: September 25, 2020

Respectfully submitted,

*/s/Richard P. Gabelman*

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*Attorney for Plaintiff*